

FILE COPY

STATE OF WISCONSIN BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF:

SHELDON A. CHICKS, M.D.

ORDER OF SUMMARY SUSPENSION

91 MED 309a

This matter came on before the Board on February 23, 1994, at a meeting for which proper public notice was given. Representing the Division of Enforcement was Prosecuting Attorney John R. Zwieg. Respondent appeared in person, without counsel.

Based on the evidence before it, the Board makes the following:

FINDINGS OF FACT

1. Sheldon A. Chicks, M.D. (dob 12/20/28), is and was at all times relevant to the facts set forth herein a physician and surgeon, specializing in psychiatry, licensed in the State of Wisconsin pursuant to license #15052, originally granted 7/30/64. Respondent's address of record with the Board is 161 West Wisconsin Avenue, Milwaukee, WI 53203, where his office is located in Suite 4144, and his home address is 4038 North 73rd Street, Apartment 2, Milwaukee, WI 53216.
2. On Monday, February 7, 1994, at approximately 10:30 AM, respondent testified under oath that for the previous week, he had consumed 1/2 liter of vodka each day, including having a glass of vodka that morning. At that time and date, respondent submitted to a breath alcohol test on a standard police portable breathalyzer, and tested 0.17% breath alcohol by weight.
3. Respondent's registration expired on November 1, 1993. Since that date, there is probable cause to believe that respondent has continued to see patients, write prescriptions, and otherwise practice medicine without being currently registered, in violation of §448.07(1)(a), Wis. Stats. Respondent was not covered by the Wisconsin Patients Compensation Fund for at least several months during 1993 and 1994. Respondent is currently covered, and thus able to resume practice when his registration renewal is processed.
4. Respondent's condition is such that the public health, safety and welfare imperatively require emergency suspension in that respondent is likely to practice medicine while under the influence of an intoxicant, and thus endanger the health and safety of patients. Further and separately, respondent's lack of coverage by the Fund is a danger to the welfare of any patient who may be harmed by any negligent act or omission by respondent.
5. A Complaint alleging unprofessional conduct has been issued by the Board in this matter.
6. Respondent was personally served with the Petition for Summary Suspension and the other documents described therein on February 14, 1994.

7. In addition to the sworn Petition for Summary Suspension, the Board received the following evidence at the time it considered the Petition: the Proposed Order and Decision of ALJ John Schweitzer, rendered 2/7/94 in the action for administrative injunction, and the final Order of Secretary Marlene Cummings, entered 2/17/94 in that matter.

CONCLUSIONS OF LAW

8. The Board has jurisdiction in this matter pursuant to §448.02(7) Wis. Stats., and ch. RL 6, Wis. Adm. Code.

9. The requirements for summary suspension have been met.

ORDER

THEREFORE, on the above Findings and Conclusions,


10. IT IS ORDERED: The license to practice medicine and surgery of Sheldon A. Chicks, M.D. is SUMMARILY SUSPENDED for thirty days. The authority to continue this suspension under §448.02(4) is delegated to the Administrative Law Judge assigned to this matter. Sheldon A. Chicks shall forthwith surrender all indicia of licensure to the Board or any agent of the department.

11. IT IS FURTHER ORDERED: Respondent is informed that he may request a hearing to show cause why this summary suspension should not be continued. Such request may be filed with the Medical Examining Board or the Administrative Law Judge assigned to this matter, at 1400 East Washington Avenue Room 178, P.O. Box 8935, Madison, WI 53708-8935. If a hearing is requested, it will be held within 20 days of the day the request is received, unless respondent requests or agrees to a longer time.

12. IT IS FURTHER ORDERED: A copy of this Order shall be served upon respondent in the manner provided in §801.11, Wis. Stats.

Dated this February 23, 1994.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
a member of the Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF:

SHELDON A. CHICKS, M.D.

ORDER FOR EXAMINATION
91 MED 309a

FINDINGS

1. Respondent Sheldon A. Chicks, M.D., is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #15052.

2. On Monday, February 7, 1994, at approximately 11:00 AM, respondent testified under oath in a proceeding before the department of regulation & licensing that for the previous week, he had consumed 1/2 liter of vodka each day, including having a glass of vodka that morning. At that time and date, respondent submitted to a breath alcohol test on a standard police portable breathalyzer, and tested 0.17% breath alcohol by weight.

CONCLUSIONS

3. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to § 448.02(3)(a), Wis. Stats., which states (in part):

The board may require a person holding a license, certificate or limited permit to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any such examinations may be useful to the board in conducting its investigation.

4. The Board concludes that it would be useful to its investigation to consider the results of an examination of Dr. Chicks, to determine if he is impaired by the use of alcohol or controlled substances or has some other condition which may affect his judgment or ability as a practitioner.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that Sheldon A. Chicks, M.D. shall submit himself immediately and forthwith following the service of this order to the Milwaukee Psychiatric Hospital, 1220 Dewey Avenue, Milwaukee, Wisconsin. He shall then and there submit to a seven (7) day inpatient examination for alcohol and other drug abuse, including such other physical, psychological, and other examinations, procedures and tests as are customarily given to patients undergoing such examinations. He shall cooperate fully with the examination and answer all questions about his medical history and present condition truthfully and fully.

IT IS FURTHER ORDERED, that the examiners shall make a full and complete report of their findings to the Board, and shall discuss their findings with the staff assigned to this case. Respondent shall be provided a copy of all such reports.

IT IS FURTHER ORDERED, that the expenses of the examination shall be paid by the Board in the same manner as any other fee for an expert witness.

Dated this 23 day of February, 1994.

WISCONSIN MEDICAL EXAMINING BOARD

by. 
a member of the Board

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